

67. The composition of claim 66, wherein said second component is a smectite clay dispersed in a solvent.--

Please amend the claims as follows:

A₂

35. (Amended) A composition comprising a first component having a liquefying or dispersing temperature about 50°C or greater, and a second component having a liquefying or dispersing temperature less than about 15°C, wherein said first and said second components are in contact with each other, and one of said first and said second components is adjacent to, partially surrounded by or fully surrounded by the other of said first and said second components, and wherein said first and said second components form two discrete segments of the composition.

REMARKS

Claims 1 through 67 are now pending in this application. Applicants have added claims 41 to 67. Claims 41 to 67 have been added to clarify the scope of the claimed invention.

Applicants have amended claim 35. Claim 35 has been amended as a matter of form to correct an obvious typographical error.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

It is respectfully submitted that the above amendments to claim 35 are neither narrowing, nor made for substantial reasons related to patentability as defined by the Court of Appeals for the Federal Circuit (CAFC) in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 95-1066 (Fed. Cir. 2000). Therefore, it is submitted that the amendments to claim 35 do not create prosecution history estoppel and, as such, the doctrine of equivalents is available for all of the elements of claim 35.

Restriction/Election

The Office Action has stated that a restriction is required.

Applicants submit that the inventions of Groups I (claims 1 to 17, and 35 to 39), II (claims 18 to 34), and III (claim 40) overlap. The claims of Group I are directed to compositions and method of making a segmented composition, and not merely a method as set forth in the Office Action. Group II claims are directed to methods of making a composition, and are classified in the same

class and subclass as Group I. The claim of Group III is directed to an apparatus for making a segmented composition, and is classified in the same class as Groups I and II. Consequently, applicants submit that as is acknowledged in the Office Action, all groups are at least in the same class. Thus, in the interests of public policy and the economy for the Office and applicants, Applicants submit that all groups be examined in this application.

In response to the restriction requirement, applicants hereby elect with traverse the claims of Group I (claims 1 to 17, and 35 to 39), which should now also include claims 41 to 67. Applicants submit that the claims of the present application are in condition for allowance and respectfully request notice to this effect.

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Respectfully submitted,



Charles N.J. Ruggiero
Attorney for Applicants
Reg. No. 28,468
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

35. (Amended) A composition comprising a first component having a liquefying or dispersing temperature about 50°C or greater, and a second component having a liquefying or [dispensing] dispersing temperature less than about 15°C, wherein said first and said second components are in contact with each other, and one of said first and said second components is adjacent to, partially surrounded by or fully surrounded by the other of said first and said second components, and wherein said first and said second components form two discrete segments of the composition.